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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,387	04/12/2004	Luciano Salice	298-238	2834
28249	7590	09/16/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,387

Applicant(s)

SALICE, LUCIANO

Examiner

Michael J. Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the limitation “and via it to the frame or furniture carcass”. It is unclear to which feature “it” refers.
2. Claims 6, 14, 15, and 18 are objected to because of the limitation “the clip installation plate”. This limitation lacks antecedent basis, as it has not been provided for in any of the claims from which claims 14, 15, and 18 depend.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Silberman (U.S. Patent No. 1,464,448). Silberman discloses an adaptor (8) for a braking deceleration device for doors, where the device comprises a plunger (4) that is pushed into a housing (2). The adaptor body comprises at least one accommodation recess (through 8) for accommodating the housing of the braking deceleration device, and at least one smooth external surface by which it can be fixed to an attachment plate (6).
5. With respect to claim 2, Silberman discloses the adaptor to be attached to the sidewall of the furniture carcass on which the hinges are arranged.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 10159140 A1 (referred to as "DE '140" hereafter) in view of Brustle (U.S. Patent No. 6,591,454). DE '140 discloses an adaptor (2) for a braking deceleration device (9) comprising a plunger (14, 15) that can be pushed into a housing against a braking force. The adaptor body (2) includes at least at least on smooth external surface which can be fixed to an attachment plate (7). DE '140 fails to disclose the adaptor body to have at least one accommodation recess..

8. Brustle discloses an adaptor for a braking device, where the braking device includes a plunger (15), and the adaptor body (2) includes an accommodation recess (7) to accommodate a housing (20) of the braking device. Brustle uses this arrangement to mount the housing on the adaptor body. One having ordinary skill in the art would recognize that this is one of many ways to mount to the housing to the adaptor body to achieve an identical result. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify DE '140 as taught by Brustle, in order to mount the housing to the adaptor body.

9. With respect to claim 2, DE '140 discloses that adaptor is attached to a sidewall of the furniture carcass on which the hinges are arranged..

10. With respect to claim 3, neither DE '140, nor Brustle explicitly discloses a damping liquid viscosity to be at least 15,000cSt. However, one having ordinary skill in the art would

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recognize that such a value is desirable for sufficient braking. Additionally, the claimed viscosity does not appear to bring about any new or unexpected result over the prior art. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify DE '140 and Brustle, such that the damping fluid has a viscosity of at least 15,000cSt, as such a value does not bring about a new or unexpected result.

11. With respect to claims 4, 5, 8, 9, 11, and 12, DE '140 discloses that attachment plate to comprise a clip installation plate (outward facing portion of 7) with recess for accommodating corresponding projections (29) of the adaptor body. The clip installation plate also includes lateral end stops (portion maintaining the lateral position of the adaptor body), and an end hook (engaged with portions 30 and 31 of adaptor body) for engaged projections (31) in the adaptor body. DE '140 does not show the installation plate to have projections for accommodating recesses of the adaptor body. However, as noted above, DE '140 shows the opposite of the claimed arrangement, where the installation plate has recesses and the adaptor body has projections. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify DE '140, such that the projections and recesses are reversed, in order to attach the adaptor body to the installation plate. Reversing the elements that have the projections and recesses brings about no new or unexpected results, as the adaptor body is still attached to the installation plate by the cooperation between the projections and recesses.

12. With respect to claim 7, neither DE '140, nor Brustle explicitly discloses a damping liquid viscosity to be at least 20,000cSt. However, one having ordinary skill in the art would recognize that such a value is desirable for sufficient braking. Additionally, the claimed viscosity does not appear to bring about any new or unexpected result over the prior art. It

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would have been obvious to one having ordinary skill in the art at the time of the invention to modify DE '140 and Brustle, such that the damping fluid has a viscosity of at least 20,000cSt, as such a value does not bring about a new or unexpected result.

13. With respect to claims 10 and 13, DE '140 discloses that attachment plate to comprise a clip installation plate (outward facing portion of 7) with recess for accommodating corresponding projections (29) of the adaptor body. The clip installation plate also includes lateral end stops (portion maintaining the lateral position of the adaptor body), and an end hook (engaged with portions 30 and 31 of adaptor body) for engaged projections (31) in the adaptor body. DE '140 does not show the installation plate to have projections for accommodating recesses of the adaptor body. However, as noted above, DE '140 shows the opposite of the claimed arrangement, where the installation plate has recesses and the adaptor body has projections. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify DE '140, such that the projections and recesses are reversed, in order to attach the adaptor body to the installation plate. Reversing the elements that have the projections and recesses brings about no new or unexpected results, as the adaptor body is still attached to the installation plate by the cooperation between the projections and recesses.

14. Claims 6 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE '140 in view of Brustle as applied to claims 1-5 and 6-13 above, and further in view of Huber (U.S. Patent No. 5,964,010). Neither DE '140 nor Brustle disclose the clip installation plate to comprise a base plate and an intermediate plate that is longitudinally slidable on the base plate.

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15. Huber teaches a hinge arrangement that includes a clip installation plate (1, 2). The clip installation plate includes a base plate (1) and an intermediate plate (2). The intermediate plate (2) is slidable on the base plate in a longitudinal direction of the furniture. Huber uses this mounting arrangement so that the position of hinge may be adjusted after installation on the furniture piece. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify DE '140 and Brustle, such that the clip installation plate comprises two pieces slideable relative to each other, in order to adjust the position of the hinge, and braking device after attachment to the furniture carcass.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to mounting arrangements and braking devices: Peterson, Wolf, Iseki, Defatte et al, Salice (U.S. Patent No. 6,408,483), and Salice (U.S. Patent No. 6,553,617).

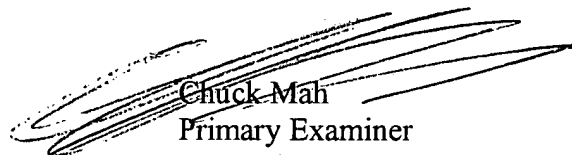
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



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